

AN IMPARTIAL
CONSIDERATION
OF
Those Speeches,
Which pass under the Name of the
FIVE JESUITS.
LATELY EXECUTED.

Viz. { Mr. *Whitebread*.
 { Mr. *Harcourt*.
 { Mr. *Gawen*.
 { Mr. *Turner*, and
 { Mr. *Fenwick*.

In which it is proved, that according to their Principles,
they not only might, but also ought, to die after
that manner, *with Solemn Protestations of*
their Innocency.



L O N D O N,

Printed for *Richard Chiswell* at the *Rose and Crown* in *St. Paul's*
Church-yard, MDCLXXIX.

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Mr. Gower.
Mr. Yarnley, and
Mr. Fenwick.

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Printed for Richard Delford at the Role and Crown in St. Paul's
Church-yard, MDCCLXXIX.

(1)

A N

A N S W E R

TO THE

Late S P E E C H E S of the Five Jesuits.

THe words of dying persons have always been esteemed of greatest Authority, as Mr. Harcourt in his Speech doth observe ; and at the first sight, what was spoken by him and his Associates just before their Execution, doth seem to command it ; when Mr. Gaven after the like Preface doth add, *I do solemnly swear, protest and vow by all that is sacred in Heaven or on Earth, and as I hope to see the Face of God in Glory, that I am as Innocent as the child unborn, &c.* A Speech of so great Assurance, that if it were not for the clearness of the Evidence that was brought in against them, the impartiality of the Court which they stood before and were Condemned by, the Order which they were of, and the cursed Principles held by that Order ; and Lastly, other things spoken by them at the same time that were manifestly untrue, I should have had so much charity as to believe. But when all this and more doth appear against them, and confute what they have with so much confidence maintained before God and the World, it will be a work of Justice and Charity to detect their Hypocrisie, and to shew that the *Jesuits* have a Gospel by themselves.

And this I shall do :

First, By shewing that their present case is such, that although they had been guilty, such a Protestation of their Innocence was necessary, if it might be consistent with the principles of Religion.

Secondly, That such a Protestation is consistent with their Principles, and what is agreeable to the practice of their Order.

Thirdly, That from the consideration of their circumstances and a careful perusal of what was said by these persons at the time of their death, there is sufficient reason to believe that they acted upon such Principles.

First, It was necessary for them at this time, and in their circumstances, though never so deeply guilty, to stand upon their own vindication, and to vindicate themselves after the most solemn way imaginable. For if this Plot should be believed, and they discovered to be the Contrivers and Promoters of it, it would be a foul blemish to their Religion and so great a disparagement to their Society, that all their Art and Industry could never be able to wipe it off. It would awaken the Princes of Christendome, and they would never think themselves secure till this Order followed that of the Templers, and was Universally dissolved and extirpated. It would make those that

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mean

mean well too among themselves to abhor them, and open a fair way for Protestantism to enter in upon them. And therefore it concerned them as much as might be to prevent it; and how could it be prevented, but by this way that they have taken. For if they had been silent under so great a charge as this, all the World would have concluded them Guilty; or if they had but faintly denied it, when the Evidence was so full and peremptory against them, the suspicions that are abroad would have increased, and the Evidence already given in would be further enquired into and made out. It was not a sorry Evasion, or some puny Equivocation that would put a stop to these mischiefs, and set them right in the opinion of the World, as they well enough understood; and therefore it concerned them, if the honour of their Religion, or that of their Society was dear to them, to betake themselves to the most formal Protestations to ensure it; if so be it might be done with consistency to their Religion, or their own safety in another World.

Secondly, I shall therefore shew that such Protestations are consistent with their Religion, and that although they were never so Guilty, they might stand upon their own Innocency and Justification to the Death. And that is to be done upon these Principles. (1) If what they are charged with be made Legitimate by a Superior Authority. (2) If they are under a precedent and sufficient Obligation not to confess what they are justly charged with. (3) If they are indemnified and declared Innocent. (4) If they are charged before an incompetent Authority (5) If the Charge it self be laid wrong.

First, If what they are charged with be made Legitimate and allowable by a Superior Authority; which may be done two waies.

First, By a dispensation from the Pope, or by others ordinarily deputed thereunto in their Church. This is what they do now deny amongst us, confidently maintaining that a Dispensation is never given beforehand. But this is vainly alledged, whether we consider the nature of a Dispensation, which hath a relation to an action yet to be done, or to the continuation of it; or whether we consider the practice of their Church, of which we have a very modern instance. For whereas the Marrying of a Brothers Wife, the Brother being yet alive, is both contrary to the Law of God and Nature; there is a Prince now in the World that is dispensed with in that matter, and enjoys the Wife and Kingdom of his Brother by vertue of the Popes Authority. Now if the Pope hath a Power of altering the nature of things, and of giving a Dispensation for what would without that Dispensation have been in it self unlawful; then the doing of an Action otherwise evil is, by vertue of that Dispensation, no sin; and he that hath that for his Authority is so far Innocent.

Secondly, The Action may be made Legitimate, by vertue of the command of such a Superior, as they are bound fully and universally to obey. And this is the case of the *Jesuits*, who are under a perfect Subjection to their Superiors, and whose commands they are not to dispute. This is the first thing which they are taught, *to be so Conformable to the Catholick Church (which in their sence is the Pope) that if it defines that to be black, which appears to them to be white, they*

they are notwithstanding without more adoe to account it black^a. And this is an obedience which they are not only bound to yield to the Apostolick Chair, but to the rest of their Superiors, and which their Founder Ignatius writ an Epistle on purpose to confirm them^b in. An Epistle, that nothing can be added to or taken from, saith their General Fr. Borgia^c. An Epistle that is truly Divine saith their General Mutius Virellesens^d, In this Epistle it is that Ignatius doth lay down these things.

First, That they must look upon their Superior, not as a person obnoxious to error, but as Christ himself---who could not be deceived nor would deceive.

Secondly, That Whatever their Superior commands or thinks, that they must always be ready to defend, and by no means to reject.

Thirdly, Whatever he commands, that they must resolve to look upon as the command of Christ, and with a blind Resolution without any doubt or delay, resolve to do^e, without giving way to any humane reasonings and discourses, as their General Aquaviva expounds it^f, that they renounce not only their own wills, but understandings also, and submit them wholly to his, without calling any thing into question; for otherwise the excellent vertue of blind obedience would fail, as Ignatius saith^g, That every one must persuade himself, that he is acted and governed by Divine Providence, through his Superiors Orders, and that he ought to be in that case as a Carcass, which suffers it self to be carryed or disposed of any way; or as a staff in an old mans hand, which he directs as he pleaseth, as it's fully expressed in their Constitutions^h. Now if they are thus obliged blindly to obey their Superiors, and that whatever they command them, is without any demur to be done, they are so far Innocent in their own account, and think that they may safely without doubt, purge themselves as such.

But they may say that they are only obliged to this obedience in things Lawful and no further, according to what Ignatius himself doth sayⁱ, and is further confirmed by their constitutions^k. But is this likely to be the sence, when their Superior is in the place of Christ^l, and whom they are to submit to as to him, and whom they are to attend to whatever he be, how weak or insufficient soever, as he represents the person of him, whose wisdom cannot be deceived, as Ignatius saith^m? Is this likely to be, when they must universally and wholly submit their own understandings to his, and are without delay or doubt to do what he requires? And that it is not so whatever they pretend, is evident from their own Constitutionsⁿ, where the Title of one Chapter is, that the Constitutions do not bring any under an obligation to sin; but how little it answers that Title, any one that reads the Chapter may perceive; for it's there said, that it seems to us---that no Constitutions &c. can bring under an obligation to mortal or venial sin, unless the Superior in the name of Christ, or in the vertue of obedience should command it: and then that may be done in the cases so judged of, which tends much to a private or universal good. So that a general or particular good may make it lawful for a Superior to command what otherwise would be a sin; and the Vow of obedience makes it necessary for him that is under command to obey. By which means any sin shall be none, and the greatest Criminal be Innocent.

vel in virtute obedientie suberit, quod in rebus vel personis illis in quibus iudicabitur, quod ad particulare uniuscujusque vel ad universale bonum multum conveniet, fieri poterit.

^a Ignatii Ex-
ercit. Spirit.
p. 141. reg. 13.
Antw. 1635.

^b Epist. ad
Patr. & Fratr.
Societ in Einst.

^c Epist. ad Pa-
tres & Fratres
Aquitaniae,

p. 63, num. 9.

^d Epist. ad Pa-
tres prov. So-
ciet. p. 441.

^e N. 16, 17.

^f Cl. Aquavi-
ve Industriae,
cap. 5. num. 6.

^g Ibid. n. 3. 9.
& n. 12.

^h Pars. 6. c. 1.

ⁱ Epist. p. 23.
n. 18.

^k Pars 6. c. 1.
p. 234.

^l Aquaviva
Industriae, c. 5.
n. 6. Constitut.

^m Pars. 6. c. 1.
p. 234. & par.
4. c. 10. p. 183.

ⁿ Epist. n. 3.
p. 13.

^o Pars 6. c. 5.
p. 256.

Visum est nobis
nullas constitu-
tiones, declara-
tiones, vel
ordinem ullum
vivendi posse
obligationem
ad peccatum
mortale vel ve-
niale inducere,
nisi Superior ea
in nomine D.
N. J. Christi,

2. They may justify themselves if they are under a precedent and sufficient obligation not to confess what they are justly charged with. And such an obligation is (1.) the disadvantage of Religion, or the injury of another. For which reasons it was that Sir Everard Digby did clear all the Priests before the Lords; and when asked by the Lord Chief Justice, if he had not taken the Sacrament to keep secret the Plot as others did, boldly said, that he had not; because, saith he, I would avoid the question, at whose hands it were. * And upon this Principle Parsons the Jesuit doth proceed, when he saith, * that if a Priest taken in a mans house, of whose overthrow he either must be a cause, or doth suspect that he may be so, should be asked whether he is a Priest, he is bound to deny himself so to be.

* Sir Everards first Paper, printed at the end of the Gunpowder-Treason, 1679
* Mitigation, c. 13. p. 549.
* Ibid. c. 10.
§. 1. p. 408.

2. Such an Obligation also is Confession; of which I shall give you their sence in the words of Parsons. If a Confessor that hath heard another man's Confession should be demanded, whether such an one had confessed such a sin unto him or not, he may not only say I know not, but answer directly, that he hath not confessed any such thing unto him, albeit he had so done; and that the said Confessor may not only say, but swear also this answer of his, understanding and reserving in his mind, that the Penitent hath not confessed unto him so as he may utter it, &c. All Divines and Lawyers do hold that in this case of Confession, the obligation of secrecy is so great, as for no respect whatsoever, nor to what person soever, though he be never so lawful a Judge, Prince, Prelate, or Superior, nor for saving of a whole Kingdom or Commonwealth, and much less the lives of any particular men or women, or of the Confessor himself; no, nor of the whole world together, if it were possible, or to work never so much good thereby might he utter the same. To which another Author of the same Order * adds, though the matter confessed was no less than the subversion of Religion, and the destruction of the Sacraments.

* Henr. Henr. Sum. Theol. moral. de Sacram. p. 1. 3. c. 19. præversio religionis, & omnium Sacramentorum intentata demolitio,

* Proceedings against the Traytors, p. 190.
* Ibid. p. 215.

This was the Defence which Garnet made for himself, why he at the first did not discover the Conspiracy of the Gunpowder-Treason, and why he afterwards did obstinately deny his knowledge of it; because as he pretended, it was disclosed unto him by Greenwel the Jesuit in Confession, and that it would endanger the lives of divers men *: by which he said he was so bound up, that if one confessed this day to him that to morrow morning he meant to kill the King with a Dagger, he must conceal it. * The case then is, that if at any time a dangerous Conspiracy is made known to them in confession, which they themselves were actually before engaged in; yet it being thus complicated, that their own concurrence in it is joyned with the others confession, they then may and are bound to stand upon their own innocence, because they cannot plead guilty, though they are so, without betraying what they heard in confession.

3. They may justify themselves, when they are indemnified and declared innocent by Absolution. Pardon is a discharge from punishment, and Absolution is a legal declaration of Pardon; and in it self is not a making Innocent, but only an assurance, that a person, notwithstanding his former crimes, shall be dealt with as if he were such. But they extend this further, for such a growing thing is power in the Roman Church, that it would bring every thing within its compass.

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Sometimes Sin by the Pope's power shall be made none; and a Man shall violate his Oath, and by virtue of a dispensation from his Holiness shall become perjur'd without Sin. Sometimes the Guilty shall be made innocent, and by the power of Absolution shall be able to swear it. *For if a person by confession to a Priest, and Absolution from him, hath what is sufficient to Salvation, and to set him right in the sight of God (as is the common opinion among them *)* then it may be thought sufficient also to make him innocent amongst Men, and to give him reason to think so. This seems to be the ground of the present practice amongst them; as when *Gurphy*, after his Absolution denied at his Death with all assurance imaginable, That he was guilty of that Burglary, which he was in *Ireland* condemned for; though the Rope breaking, he lived to confess it †. And this principle hath so far prevailed at this day; that Mr. *Prance* doth ingenuously acknowledg ||, *that if he had been absolved after the Murder of Sir Edmond-Bury Godfrey, as Hill, and his other Accomplices in it were, that he should have probably persisted in avowing his Innocence, as they did, and never or without extream difficulty have been brought to any acknowledgment.*

* Navar. Man. c. 25. n. 38. Dia. Sum. V. Reus. n. 12. &c.

† Vid. The late printed Relation of it, in a Letter to the Earl of Essex. || Pag. 24 of his Narrative.

4. They may plead their own Innocency, and justify it with an Oath, &c. if they stand charged before an incompetent Authority. Of this Opinion is *Parsons*, for he saith, (a) *If a Judge be not lawful or competent, the party charged may answer as if he was alone, and no Man by, for that he hath no necessary reference to him at all, &c.* And much to the same purpose saith *Lessius*. (b) *Now an incompetent Judge, is one that hath no lawful Jurisdiction over a Person; as may be gathered from Parsons.* (c) And such with them are

(a) Mitigation in Equiv. c. 8. part 3. §. 2. n. 52. (b) De Just. & iure, lib. 2. c. 42. dub. 9. n. 47. (c) Mitig. c. 11. §. 9.

(1.) All Hereticks, who are incompetent, because they are incapable of rule, as *Gab. Vasquez* saith; (d) *and as soon as a Prince is fallen from the Catholic Religion, he presently falls from all his Power and Dignity, saith Parsons.* (e) And thus was the case determined with an especial respect to *England*, as you may see in *Greg. Martin* in lib. resolut. cas. and *Dr. Stillingfleet's* Sermon, on *Mat. 10. 16. p. 42.*

(d) Com. in 1. 2. Thom. Tom. 2. diff. 151. §. 8. (e) In his Philosophaster, p. 194. for he is said to be the Author of it, by War-fon in his Quodl. p. 11, 71, 284. (f) Lib. de Cler. c. 30. p. 554. 80. (g) Apher. Trs. Clericus, Edit. Antwerp. & Colon. (h) Ibid. c. 18. p. 538. (i) Mitig. c. 8. part 3. §. 2. n. 52.

(2.) Such again according to Them, are all Lay-Magistrates, with respect to the Clergy. A Priest being exempted from all civil Jurisdiction, saith *Bellarmino*. (f) The belief of which led *Emanuel Sa*, so far as to say, (g) *That Rebellion in a Clergy-Man is no Treason, because he is not subject to the civil Power.* And *Bellarmino* saith little less, when he maintains (h) *that Kings are not the Superiours of the Clergy, and therefore such are not bound to obey them, but only as to matter of direction.* This is clearly stated and applied to our purpose by *Parsons* (i): *If a Judge, saith he, be not lawful or competent; as if a Lay-Magistrate in a Catholic Country would enquire of matters not belonging to his Jurisdiction, as for example, sacred or secret: then he may answer as if he were alone, and no Man by, for that he hath no reference to him at all.* For, as he saith afterward, (k) *Priests both by divine and humane Law, according to Catholic Doctrine, are exempted from Lay-mens Jurisdiction.* When therefore Priests are brought before Lay-Magistrates, and Catholics before Heretics, they have a liberty to say what they please, and what may best serve their purpose and convenience: they may protest and swear that they are Innocent, though never so guilty, that they know not what they know, and did not what they did.

(k) Ibid. c. 10. §. 3. p. 415. n. 11.

And if they may thus stand upon their own Vindication, how unjustifiable soever their case be in it self, before incompetent Authority; then they may as well do it before incompetent Witnesses and Auditors. For the Heretics at Tyburn have no more right to Truth, than those at the Old Baily; and they may as well protest and vow by all that is sacred, that they are innocent, when they come to die, as when they were upon their Trial; since the People there, as well as the Judges here were alike incompetent and heretical.

5. They may plead Innocency when the Charge is laid wrong. This we acknowledg, when we say that a Person guilty of the fact, may yet plead not guilty as to matter and form. But now the Charge with them shall always be laid wrong, when they answer to it by Equivocation or mental Reservation. For then it is not what the Charge is in it self, but what they charge themselves with, that they direct their answer to. As if a Person be charged with a crime, but by an incompetent Authority or illegally, he may securely say, I did not do it, *reserving within himself that he did not do it in Prison; or that he had no design upon the King,*

(l) Lessius de
Instit. l. 2. c. 42.
Dub. 9. n. 47.
48.

(m) Mitigar.
c. 8. part. 3. S. 2.
n. 52.

(n) Ibid. c. 10.
S. 4. n. 21.

(o) Ibid. n. 48.

(p) Ibid. S. 6.
n. 29.

thereby meaning a painted King (l). And this is a current opinion among them. If a Judge be not lawful or competent, the Defendant may answer as if he were alone and no Man by, and may frame to himself any proposition that is true of it self, and in his own sense and meaning, though the other that beareth, understandeth it in a different sense, and be thereby deceived, saith Parsons. (m) If he be guilty, in such cases he is to turn himself to Almighty God the Judge of all, and framing to himself some true reserved sense, may say I have not done it, I have not seen him, I have not killed him; understanding thereby that he hath not done it, so as the examination or punishment of it is subject to that Tribunal, or he subject to their Jurisdiction, whereby he is bound to utter the same to them; as that Author further saith (n). But what if he be put to his Oath, Lessius answers, (o) That as often as it is lawful to use a doubtful Speech, or a secret Reservation, it is lawful to use an Oath, if necessity or some notable cause requireth it, namely to avoid a great evil, &c. And accordingly Parsons (p) doth lay it down from Azorius, &c. If the Judge that exacteth the Oath be not a lawful Judge, or proceedeth not lawfully in exacting the same, then hath he that sweareth no obligation to swear to his intention at all, but may swear to his own, &c.

Amongst other Examples of this way, we have in Dr. Abbot's Antilogia, p. 12. b. of one John Underwood, that being examined before the Arch-Bishop of Canterbury, 1612, denied that ever he was beyond Sea; and affirmed, That he was married, and had six Children, and was an Husbandman. And yet acknowledged afterward, that he had bin formerly six years at Rome in the College, was admitted there into Orders, and was a Jesuit, and that his true Name was Cornford; and that in what he said before, he meant, That he was married to his Breviary, and that he had six Spiritual Children; and that he had not bin beyond Sea, so as to confess it to the Arch-Bishop. This Answer was much talked of, and what Sancta Clara hath defended under his own hand, as is yet to be seen. This

* If. Casau.
boni Epist. ad
Front. Duca-
um. p. 119, 123.

was also the opinion of Garnet, and the way he took*, for having an Oath administered to him, and being examined upon the word of a Priest, whether he had ever sent or writ to Greenwel the Jesuit, since they were together at Loughboro', answered no: and when convinced of it by the Let-

ters produced, said he had done nothing in his denial but what was lawful. But supposing this should be at the point of Death, may this then be practised? *Laud. Lopez* (r) saith, that if a Woman having been excommunicated for not living with her Husband, should at the point of Death to obtain Absolution, swear, if she recovered, to return to him, reserving in her self, if it might be without Sin, she shall not be guilty of Perjury (if she knew an impediment) though she recovers and lives from him. And this was Mr. Tresham's case, (f) who having accused Garnet of the Spanish Treason, for fear this might be to the prejudice of the Jesuit, three hours before he died subscribed a Paper, in which he testified upon his Salvation, that he had not seen him of 16 years before: whereas Garnet himself confessed that within two years before they had frequently bin together. All which Garnet said he believed, Mr. Tresham might have done, as he meant to equivocate. And it is an example may safely be followed, as he maintained *. This was the Case of Parry, that attempted the Life of Queen Elizabeth, who upon his Apprehension, and after at his Trial, confessed it; but at last denies it; lays his Blood upon the Queen and Judges, and summons the Queen to answer for his Blood before God.†

But what if they voluntarily renounce all Equivocations, and Mental Reservations, or are required so to do in Oaths and Protestations; Is this defensible upon these Principles? So saith Parsons †; *When thou answerest to a Judge, it is incompetent by Equivocation: If he ask, whether you equivocate, or not? You may answer, No, but with a further Equivocation. If he urges again, and asks whether you did not equivocate in your denying it? You may answer, No, with another secret Equivocation, and so as often as you are asked. Nay, he saith further; When a Judge is not lawful, though a Person hath first sworn to answer directly, he may use doubtful words; which if they prevail not, then say the Doctors, that he may deny, and say, I know nothing, I have seen nothing, &c. reserving in his mind, that he knoweth nothing which in that unjust Examination he is bound to utter.* This was the measure Garnet the Provincial of the Jesuits took; for when he was called before the Lords, and was asked, Whether *Hall* the Jesuit and he had any Conference together in the Tower? and being desired not to equivocate; he stiffly denied it upon his Soul, reiterating it with many detestable Execrations: And yet when proved against him, cryed the Lord's Mercy, and said, He had offended, if Equivocation did not help him *.

Of this we have a notable Instance † in one John Coome, that Anno 1609, being examined by the Bishop of London, and required to set down his Answer in writing, did it after this manner; *Whatsoever I now affirm, I affirm upon the Faith of a Christian, without all Equivocation and Mental Reservation, or secret Interpretation kept to my self; and affirm according to the plain sense of the Words by me spoken; So God me help, through Jesus Christ. First, I say, therefore that my Name is John Coome, neither have I been called by any other Name here, or beyond Seas; and particularly that my ordinary Name is not Scammel, neither is it my true Name. Furthermore I affirm, upon the Faith of a Christian, that I never was in Orders according to the Way of the Church of Rome, and did never enter into a Vow according to the Rule of the Jesuits; nor ever studied in any English Seminary in Spain or Flanders. And to the truth of all this I have sub-*

(r) 1. p. instruct. c. 37. as quo ed by Raynaudus in his Defence of Lejus against Barnes, c. 15. n. 9.

(f) Proceedings against the Traytors, p. 176, 219. 220, 221.

* In some Papers of his, quoted by *Is. Casaub. Epist. ad Ducaum.* p. 122. † *Foulis Romish Treasons* l. 7. c. 4. p. 442.

† As quoted by Barnes, contra Equiv. S. 20. p. 147. & S. 22. p. 200.

‡ Mitigar. c. 10. S. 5. p. 426. n. 26.

* Proceedings, p. 195. *Casaub. Epist.* p. 117.

† *Rob. Abbotti Antilogia.* c. 2. p. 12.

scribed, and of my own accord have subscribed, Joh. Coome. These things he swore, and yet did all by Equivocation and reservation; for he afterwards confessed that he was a Priest, and a Jesuit, and did commonly write his Name *Scammel*. And that they may use Equivocation when they declare against it, see it further made good by Dr. *Stillingfleet* in the fore-quoted Sermon, pag. 39.

If we reflect upon these Propositions, we may be able to reconcile all that Mr. *Whitebread* and his Brethren did declare at their late Execution, or what-ever they are made to say in these Speeches that pass up and down in their Names, to the justice of the Sentence they suffered by. It's true, amongst Protestants, nay amongst Heathens, such solemn Protestations would be hearkened to; and those that are honest and sincere, could hardly think those that use such Asseverations to be otherwise. But if we consider what hath bin before said, we have reason to judg of *Them* by other measures. For some of their Principles do shew that they may do it. As those of being dispensed with in it; and of having Absolution after it; and of denying and swearing, with Reservation before an incompetent Authority. But others of the above-said Principles make it necessary, and shew that they ought to do it. As if they were required so to do by their Superiors, whose Commands they are not to question or dispute: If it were for a notable Good, or preventing a considerable Mischief; or if they heard it in Confession; In these cases they are obliged to deny, and to deny again; to equivocate upon Equivocation; to die, and, I had almost said, to damn themselves, rather than confess when they are thus bound to be secret.

† *Imago primi
Sac. Societ. 3e-
su. p. 648.*

|| *Bacon's Hen-
ry the 7th.*

But that they need not fear, for besides the security that they have otherwise, it's said, in a famous Book of theirs, † that God granted to their Order, that for the first 300 years, none of them should be damned. And perhaps they may think it worth the while to venture Purgatory to secure their present Plot from Miscarriage; as the Lord Cordes is said to || have been content to lie seven years in Hell, on condition *Calice* might be recovered from the English.

3 General.

That if we consider their Circumstances, and peruse their Speeches, it may be presumed that they acted according to these Principles. And here I shall not repeat what I before said to make it evident, that if they had been guilty, this way of proceeding was necessary to maintain the credit of their Religion and Society, &c. But shall observe, (1.) That there are not in any of these Speeches, higher Protestations and Appeals to God, than what was in the words of *Garnet*, and the writing of *Coome* before spoken of; which yet were plainly Sophistical, as the Sequel shewed. (2.) That there is in the most material parts of them such an agreement, and that in the phrase it self, (as hath bin already observed) as if they were to act a prescribed part, and to observe particular Orders in what they should say. (3.) That the Elder, and those who it's likely were to give Absolution, spake with greater caution and reservedness, whilst the others spoke with greater freedom and boldness. (4.) That notwithstanding all, there are some things notoriously false, and in which at least they do equivocate; which may give just reason to suspect that they do equivocate also where it is not so evident. And this falls the hardest upon Mr. *Gawen*, who thus delivers himself;

Because

Because they [Jesuits] are so fully charged for holding King-killing Doctrine, I think it my duty to protest to you with my last dying words, that neither I in particular, nor the Jesuits in general, hold any such opinion, but utterly abhor and detest it; and I assure you, that among the multitude of Authors, which among the Jesuits have printed Philosophy, Divinity, Cases or Sermons, there is not one to the best of my knowledge that allows of King-killing Doctrine, or holds this position, That it is lawful for a private Person to kill a King, although an Heretic, although a Pagan, although a Tyrant; that is to say, not any Jesuit that holds this, except Mariana the Spanish Jesuit, and he defends it not absolutely, but only problematically, for which his Book was called in again, and the Opinions expugned and sentenced. Now towards the clearing of this, four things are to be enquired into.

1. What the Opinion of Mariana was touching killing of Kings?
2. Whether Mariana held it problematically only?
3. Whether and how Mariana was censured for it?
4. Whether any of the Jesuits besides Mariana were of that Opinion?

1. What the Opinion of Mariana was touching killing of Kings?

Mr. Gaven saith. That he held it lawful for a private Person to kill a King, if an Heretic or Tyrant, &c. His Opinion is to be sought for in his Book, *De Rege & Regis Institutione* *; where he thus delivers himself, (1.) If a lawful Prince becomes a Tyrant, and doth oppress and violate the public Laws, &c. he is to be admonished; and if he afterward persist therein, he may be declared a public Enemy, and may be killed (if otherwise the Common-Wealth cannot be defended) and that by a private Person. (2.) That in case there cannot be a public Convention of the People (as a Parliament) that then the common Voice of the People shall be sufficient to warrant it; and he who then favouring the Public Wish doth attempt his Life, doth nothing unjustly. (3.) That yet it is not lawful for any private Person to kill a King. So that he takes a private Person in two senses; (1.) For one that doth it upon a private account, as for his own Pleasure, or Revenge; and then he declares it to be unlawful for such an one to kill a King. (2.) For one that is commissioned by Authority, as by a Pope, or Convention of People, or that doth it for a general Good; and then it is lawful and honourable for him so to do.

2. Whether Mariana held this problematically only? So saith Mr. Gaven, and so did also Eudemon-Johannes †, saying, That he delivered his Opinion with doubt. The advantage they take of saying so, is from what Mariana saith towards the conclusion of Chap. 8. viz. *This our Opinion doth certainly proceed from a sincere Mind; in which, since I may be deceived, as a Man, I will thank any one that shall bring better.* But this is no more than what is ordinarily said, even by those that write most positively. Thus did Father Barnes begin and end his Book against Equivocation; If I commit an Error, yet since I submit my Writings to the Canonical Censure of your Holiness, (writing to the Pope) my Error is not obstinate. I am a Man, and if I err, it is only a humane Error: And yet that Learned Person was conceived to be so dogmatical in the Point, that he was fetched to Rome by the contrivance of the Jesuits, against whom he wrote it, and died distracted in Prison. But there is nothing more evident, than that Mariana was as positive in this Opinion, as Mr. Barnes in the other; For he not only commends the

Mr. Gaven's Speech.

* Lib. 1. cap. 6.
& 7. Edit. 2.
Typis Wechel.
p. 59, 60.

† In Respons. ad
Amic. c. 1.

‡ *Dissertatio
contra Equiv.
Epist. Dedic. &
pag. ult. libri.*

* C. 6. p. 53, 54. Murder of *Henry the Third of France*, but also saith, That the lawfulness of killing a King, in the Cases above-mentioned, is as clear as the day*; and who is so void of counsel as not to believe it †? and saith, to exterminate such out of the Society of Men, is a glorious Work||: And determines for the lawfulness of killing him by Poison, provided it be not in his Meat*.

† C. 6. p. 60.
Ibid. p. 62.

|| C. 7. p. 64.

* P. 66.

* Alegambe in
Biblioth. Scrip.
Societ. Jesu.
p. 258.

† Continuat.
Thuan. p. 101.
Francof. 1628.

|| Ibid. p. 86.

* Causaboni
Epist. ad Du-
crum, p. 48.

† Eudam. Joh.
ad Amic. c. 1.

3. Whether and how *Mariana* was censured for this? Mr. *Gawen* saith, That the Book was called in again, and the Opinions expugned and censured. But I would fain know when the former of these was done. I know that there was once a great talk of a Book of *Mariana's* censured by the Pope, and the Jesuits took an occasion from thence to stop the mouths of those that understood no better; but alas, it was far from any thing of this Nature; for whereas a Book of the change of Money was written by *Mariana*; in which, saith an Author of theirs*, He had sharply censured some corruptions in that kind; he contracted thereby so much displeasure, that at the instance of the Spanish Embassador, Pope Paul the 5th did prohibit it for a while till the storm was over. But as for the other Book, *De Rege*, &c. there is not a word in the fore-said Author concerning any such Censure, though he is so particular as to tell where and when it was first printed; and who would doubtless have made some remark upon it, if any such thing had been. Which doth mightily confirm what is said by the Abbot *Sylvius* † (or who-ever was the Author of the *Inscriptio ad Gallos ingennos*) that the Censure of this Book of *Mariana* by the Jesuits at *Paris* in 1606, and the Letter of *Aquaviva* their General to them upon it, was wholly fictitious, and brought in by Father *Cotton* to serve a turn, and a little to cast off the odium from themselves after the Murder of *Henry the 4th*, and the Decree of the Parliament of *Paris* for burning this Book of *Mariana's* by the Common Hangman, as containing many cursed Blasphemies against King *Henry the Third*; and Principles pernicious to the Lives of Kings, &c||. as it's there declared. And that which doth more discover the imposture is, since *Aquaviva* is there made to say, That he was troubled that he knew nothing of this before; which how unlikely it is, will be evident, if it be considered, that it was about seven years betwixt the first publishing of this Book of *Mariana*, and this Letter said to be written by *Aquaviva*; the Book being licensed Decemb. 1598, and printed at *Toledo* 1599, and the Letter was written 1606. Now that their General should be so long ignorant of a Book written by one of their Order, and by so Learned a Man as *Mariana*, and a Book that had set the World in a flame, cannot be conceived. But indeed I do not find this Censure at *Paris* much insisted upon by themselves. And the recalling of it is much like the Censure, for besides that Edition at *Toledo*, there was another at *Mentz* by *Balthazar Lippius*, which the Jesuits there did revise sheet by sheet; not to speak of that printed at *Frankford*, by the Heirs of *Werbelus*, which a Learned Person saith they did, by the instruction of a famous Jesuit*. But however the Principles of it are expugned and censured, saith Mr. *Gawen*. I will take that at the present for granted, which an Author of theirs saith †, viz. That upon a Consultation of the Jesuits at *Rome*, their General, *Aquaviva*, made a Decree, whereby he forbade to teach,

teach, either by Word or Writing, that it was lawful for any Person whatsoever, under any pretext of Tyranny, to kill Kings, or to plot their Death. A Decree that looks very speciously; but (1.) we are here to observe, That there is no censure of what hath bin already written or taught, or the Persons so writing or teaching. (2.) We may very well suppose that the any Person whatsoever, will admit of their common limitation, and is to be understood of any private Person, that doth it *without the command or sentence of the Judge*, according to the words of the Decree of the Council at *Constance* ||. And I have the greater reason so to think, because when it was objected that the Council of *Constance* had condemned this Position [that the Tyrant may and ought to be killed by any one of his Subjects whatsoever]. *Suarez** answers, Where do you find, in the Acts of that Council, that its spoken of Princes excommunicate by the Pope, or degraded? (3.) There is no little exception to be taken against the word King, as it's here laid; for in their sense, an Heretical, Excommunicated, and Deposed King, is no King; and he only is with them a King that is not under such a censure; and so the killing of such an one only is to be declared against. (4.) And this we may be the more assured of, since it's said only under any pretext of Tyranny; but it's not said under any pretext of Heresy, Excommunication, or Deposition. So that after all, here is no security for a King if an Heretic; or for a Catholic King, if Deposed or Excommunicated: And the Doctrine is still left much where it was before the Decree. So that this deserves the like Censure given by the Abbot *Sylvius* of that before spoken of, that it's a Censure full of Equivocations and doubtful Expressions*. But the best way to find out the strength and validity of this Decree, is to observe their practice. Were these Principles never reassumed by them? What must we think of the Book of *Suarez*, printed at *Colon*, 1614†, and which was condemned by the Parliament of *Paris* to be burnt, as containing Propositions highly Scandalous and Seditious, and which tended to the subversion of Kingdoms, and the stirring up Subjects to murder their Kings||. And upon which occasion the Senate sent for *Amandus*, and the chief of the Jesuits, to let them know how little respect was had to the abovesaid Decree of their General, in Anno 1610. What shall we say to a Book of *Santarellus* the Jesuit, printed at *Rome* 1625*? not only under the Eye of *Vitellescus* their General, but with his express Allowance; in which were eleven Propositions condemn'd by the Parliament of *Paris*, and for which it was commanded to be burnt by the Common Hangman.

Amongst which it is maintained, That the Pope may depose Princes, if insufficient or negligent, and adjudg them to death, &c. When this Book was produced, the Parliament sent for several of the Jesuits, and asked them what they thought of that Book? Father *Cotton* answered, in the name of the rest, That they disapproved it. Being further examined, How it came to pass that they condemned what their General did allow? He replied, That their General being at *Rome* could do no less. When it was asked again, What they would do if at *Rome*? He replied, They should think as they do at *Rome*. This you may see particularly set down by *Gramondus*†, a Friend of *Cotton*'s. So that such Declarations, as these are of no force, but are only to serve a present need, to pacify Princes,

Non expectata
sententia aut
mandato Ju-
dici. Concil.
Const. sess. 15.

Defens. Fid.
l. 6. c. 4.

* Continuati:
Thua. p. 108.

† Defens. Fidei
Cath. advers.
Angl. Scd.

|| Contin. Thu-
ani, p. 400.

* Traictum de
Heresi, &c.

† Gram. Histor.
p. 676. Francos.
1674.

¶ *Jesuits Cat.*
l. 3. p. 234.
Engl. 1602.

or please the People, but what they themselves are not obliged by : therein making good that Character of them, which I find in a sober Author of their own ||, That a *Jesuit is every Man* ; of which that Book will afford some other Instances, p. 235, 236.

4. And so way is made to consider, Whether any of the *Jesuits* besides *Mariana* have bin of that Opinion ? I hope it will be granted, that some there are by what hath bin already said ; and it will be further allowed,

(1.) That they are of the same mind with him that do commend him for having well acquitted himself upon that argument : Such are *Stephen Floreda*, Visitor of their Society in the Province of *Toledo*, that licensed it ; and those that gave their approbation of it to him ; such again are *Scribanus* *, *Gretser*, *Becanus*, &c.

† *Defens. Fid.*
l. 6. c. 4. §. 14.
¶ 18.
|| *De Instit.* l. 2.
c. 9. Dub. 4.
§. 10, 12.

(2.) They again are of his Opinion, that do hold, not only that a King may be deposed by a Prince or People ; but that also, when deposed, he is no King. So *Suarez* †, *When a King is deposed, then he is neither lawful King nor Prince*. So *Lessius* ||, *Greg. Valentia*, and many others.

* *Ibid.*

† *Controv. Angl.*
p. 115.
|| *Ibid ut prius*.
* *Apbor. Ty-*
vannus.

(3.) They are of *Mariana's* Opinion, that hold, a Deposed King may be killed. So *Lessius* *, *Any having Authority, may, if a Prince's Tyranny grow intolerable, Depose him, &c. whereby any thing may be attempted against his Person, because he then is no more a Prince*. So *Becanus* †, *The Pope may deprive Princes, and if contumacious, he may have them deprived of their Life*. So *Suarez* ||, *Eman. Sa* *, *Molina*, &c.

† *Ibid.*
|| *De Instit.*
Tom. 4. Tract.
3. Diff. 6. §. 2.

(4.) They are of his Opinion, that say, A private Person may kill a King so Deposed ; *The Sentence being issued out, any one may be the Executioner of it*. So *Eman. Sa* † ; so *Molina* ||. *The People may Depose their King, and punish him when he is deposed*.

So that we see *Mariana* is still a *Jesuit*, and they have no reason to clamour against him, and to cry out of the *rashness of one Man*, as *Mr. Gaven* doth, when as it's the prevailing Opinion amongst them ; and it is disingenuously done of them, to do by him as the Deer by one that is wounded, clear themselves of his Company, when he is of the same Herd with them.

* *Cap. 6. fin.*

Indeed after all that *Mr. Gaven* hath said towards the vindication of himself and his Order, he hath said but what *Mariana* did before him ; for *Mariana* held, as I have before shewed, That it's not lawful for a private Person to kill a King ; and therefore saith, * That *John Duke of Burgundy* was condemned by the Council of *Constance*, because he caused *Lewis Duke of Orleans* to be killed, *Non expectata Sententia Superioris*, without attending the Sentence of a Superior, as the Pope ; i.e. he did it upon his own head, and out of private revenge. And if this be the meaning of *Mr. Gaven*, which is the received sence of those of his Order, we are much beholden to him. For then our Prince is left to the Mercy of the Pope's Bull, or that of the People ; for as soon as he is by them declared against, or is an Heretic, or grows intolerable, or is deposed, then any private Man is the Minister of Justice, and doth right to God and his Church, or the People, if he kill him. If *Mr. Gaven* had meant honestly, he should have told us that it was not his Opinion, that a King may be Deposed, or that upon Deposition he is no King, and that though
thus

thus depofed it was unlawful for any perfon whatfoever to attempt his life. But as long as he ufeth the current phrafe among them, we muft take their interpretation of it alfo; and then he muft fay any private perfon may kill a King in the circumftances before fpoken of, fo that a King is only fecur'd againft private revenge, or the prefent rage of his Subjects; but if they have Warrant for fo doing from the Pope or People, then Lord have mercy on him, for he is like to find none from them.

So that after all his renouncing of Equivocation, &c. he in his *laft dying* words is found bafely to Equivocate, whilft he neither tells us what the King is whom a private perfon ought not to kill, nor what that private perfon is that ought not to kill him. And when if he means according to the ftile of his Order, it is no more but that whilft a Lawful King is not Excommunicate, an Heretirck, or depofed, no one may kill him; and when he is either of thofe, no one of a private revenge or malice may be allowed fo to do: But if the publick good be concerned in it, or there be Authority or Commiffion from Superiors [that is, Pope or People in Parliament] then the private perfon is no private perfon, and there is no bar to fecure a Prince's life from the Assaults even of fuch.

And if there be fuch a notorious Equivocation in this fo fett a performance of his; and that he acted fo conformably to his own Principles, of obeying his Superiors in whatever they commanded, in denying what-ever may be to the prejudice of their Caufe or Party, in uſing mental refervations even whilft he renounced them, for thefe and the other ends before fpoken of; what hinders but we are to think that all the reft wrote after the ſame Copy with him; as when they fay that they *are as innocent as the Child unborn of reaſonable crimes*, is not this reconcilable to the principles of Difpenſation and Abſolution? (which laſt they might, and its probable did give one to another) Is it not reconcilable to the Excommunication and Depoſition of his preſent Maſteſty, and to the Title which the Pope challengeth to theſe Kingdoms, by the ancient claim of Surrender? When they ſpeak of the King, might they not apply it either to the Pope or a Succeſſor, doing therein much as a certain Prieſt did, that when asked who was Supream in all Cauſes in the Church of *England*, preſently answered the King, meaning thereby the King of Heaven, as he afterward Expounded it? ^a When they do declare againſt a Plot for the alteration of Government, is not that eaſily applied to the kind or form or ſome main parts of it? when they renounce Equivocations, &c. Did not *Garnet* and *Coombe* do the ſame, and yet in the mean while did equivocate or lye? Did they do all this at their death and call God to witneſs, and pawn their Souls to verifie and confirm what they ſaid? Is this more than what was praſtiſed by *Mr. Treſham* and *Gurphy*; and what is frequently done by villains at their Execution without ſuch reaſons for it from Religion or Intereſt as theſe men had? When I read their Speeches, I can hardly but believe them; When I think of their Accuſations, their Principles, and the Praſtiſes uſual amongſt them, I begin to tremble: To think that at ſuch a time, and in ſo great a caſe as this is men ſhould prevaricate, and to deceive the World, care

^a Abbot. *Au-
tilog. cap. 2.
p. 12. b.*

not what becomes of their own Souls; or else that they can be so stupid as to think that the Salvation of their Souls can be consistent with such Impieties. I question not but that time will make this as clear as the day, and then what they did to strengthen their Cause, will be the greatest blow to it that perhaps it ever yet had. When it shall be upon record, and Published before all the World, that so good may come of it, the good of their Church and Order, they care not what evil they do, nor how they Subvert the Laws of God and Nature, so they may establish their own.

A Note to be added. p. 5. lin. 18.

Agreeable to this is that which is said by *Lnd. Lopez. l. 1. p. Instruct. c. 42.* who is quoted as good Authority by *Raynaudus* the Jesuit, *ut supra.* *A Woman that hath been false to her Husband, doth sin, if she without cause doth swear that she is Innocent, and doth so swear because she hath done Penance for the same; unless her Husband doth unjustly compel her to swear.* The meaning of which is, that if she doth swear it vainly, when not put to it, and there is no reason for it, then she offends; but if her Husband threatens, and she is in danger (for that is often the meaning of unjustly in the fence of these Casuists) then she may safely swear that she is Innocent, forasmuch as she hath repented, and given satisfaction to the Priest and been absolved by him.

From whence it appears that if persons be compelled to swear unjustly, as (in their opinion they all are when they are made to swear before Hereticks,) that then they may swear, though never so Guilty, that they are Innocent and without fault, as having been Absolved for it.

F I N I S.

ERRATA.

The third Quotation in the Margin of Pag. 5. [Ibid. c. 19. §. 1. P. 408.] is misplaced, and should stand against line 14. R. 6. l. 16. Marg. for 149. r. 118. P. 7. l. 21. r. Their. L. 32. r. a Judge that is incompetent, l. 36. r. Lords. Marg. l. 29. for 147. r. 174. P. 8. Marg. l. 3. r. 650.